



Black Legal Action Centre

THE SUBMISSION OF THE BLACK LEGAL ACTION CENTRE

TO THE STANDING COMMITTEE ON PUBLIC SAFETY AND NATIONAL SECURITY (SECU) REGARDING ISSUES OF SYSTEMIC RACISM IN POLICE SERVICES IN CANADA.

July 24, 2020

The Black Legal Action Centre (BLAC) is a not-for-profit corporation incorporated under the laws of Ontario. We are a specialty community legal clinic and we opened our doors to the public in March of 2019. We are funded by Legal Aid Ontario (LAO), and we are governed by an independent volunteer community Board of Directors. **Our mandate is to combat individual and systemic anti-Black racism across the province of Ontario.** We achieve our mandate by providing free legal services to low and no income Black Ontarians who are facing anti-Black racism in housing, employment, education, social assistance, human rights, policing and corrections. We engage in systemic advocacy through test case litigation, law reform, and community development. We also provide summary legal advice, brief services and public legal education.

SECU has a general mandate to review legislation, policies, programs and expenditure plans of government departments and agencies responsible for public safety and national security, policing and law enforcement, corrections and conditional release of federal offenders, emergency management, crime prevention and the protection of Canada's borders. BLAC appreciates the opportunity to share our perspective on systemic racism in police services in Canada and is asking you to consider these submissions within the context of this broad mandate.

Through our work, BLAC regularly hears from members of the Black community who are victims of horrific police violence and white supremacy – and we all see it in the media. Anti-black racism is real and we know, very tangibly, how it impacts and devastates the Black community. Notwithstanding this, and notwithstanding the myriad reports from domestic and international bodies,ⁱ the denial of the existence of anti-Black racism continues – most recently, from the Commissioner of the RCMP.ⁱⁱ The existence of systemic anti-Black racism in Canadian society should not be a matter of dispute. This has to be the starting point for any genuine investigation into systemic racism in policing, and if public safety and trust is to be attained. There is unequivocal evidence of the fact that Black and Indigenous people are disproportionately impacted by police violence.ⁱⁱⁱ The fact is that the police in this country, the North-West Mounted Police, the force that preceded the Royal Canadian Mounted Police (RCMP), were created to control and intimidate Indigenous people, and later, Black people.^{iv}

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Accordingly, we urge members of this Committee, police forces across the country, and others in positions of power, to unequivocally acknowledge the existing persistent structural inequalities and history of racism in this country. The ugly truth is that Canada was built on racism and discrimination: the theft of land from and genocide of Indigenous people; the denial of the right to vote for women; the exploitation and enslavement of Black people to enrich white people; the abuse and murder of Chinese people to build railroads; the internment of Japanese Canadians; the turning away of Jews trying to escape Nazism; the persecution of members of LGBTQ2S+ community. These are but some of the examples that reveal Canada's history of violence, racism and exclusion.

In furtherance of the global call to end police violence perpetrated against Black people and in furtherance of our mandate – to combat anti-Black racism – BLAC has made the following demands, and we repeat them to this Committee:

- Develop a nation-wide mandatory policy on the collection of data disaggregated by race, colour, ethnic background, national origin and other identities to determine where racial disparities exist for African Canadians so as to address them accordingly;
- Demilitarize the police. The use and deployment of specialized police units, and their direct operational relationship to the Canadian military during protests, disproportionately brutalizes racialized people, criminalizes dissent, and undermines democracy. Evidence from the United States reveals that there is a direct correlation between the militarization of police and increasing civilian deaths.^v
- The overhaul of police oversight. In Ontario, we have called for the immediate implementation of the *Report of the Independent Police Oversight Review (2017)* and the repeal of the *Comprehensive Ontario Police Services Act, 2019*. Independent civilian oversight bodies must be accountable to *all* of the communities they serve;
- A clear and public commitment to zero deaths by police services across the country;
- An immediate reallocation of resources away from police budgets into public health, housing, transit, children's services, mental health resources, schools, employment, community centres and other social services budgets;
- Complete transparency of police budgets across the country;
- A reallocation of resources, funding and responsibility away from police and toward community-based models of safety, support, and prevention to ensure that those who are best equipped to deal with the majority of calls for assistance will not show up to people's homes and neighbourhoods with uniforms, guns and tasers;
 - Imagine if the professionals who respond to crises in our communities were mental health service providers, gender-based violence advocates and social workers? What would the outcome have been if a mental health service provider trained in deescalation had responded to the call from Regis Korchiniski-Paquet's mother, rather than six police officers with badges and guns?
 - Imagine if prisons and correctional facilities were not used to cage people living with mental health issues, addictions and those living in poverty?

- Imagine if instead of governments slashing funding to public health, harm reduction services, access to justice, housing, food security, and the education system, these sectors and programs were properly funded?

While this Committee is looking at policing specifically, I note that the last point is related to your mandate to review corrections and correctional facilities:

- Develop and implement a national corrections strategy to address and correct the disproportionately high rates of African Canadians in the correctional system and ensure anti-discriminatory and culturally specific services for African Canadian offenders.

The need for broader systemic change is critical. It is urgent. We are at a new juncture in history that requires us to depart from old ways of thinking and build a more inclusive, non-oppressive system for all. Black Canadians, Indigenous people, and other racialized communities, can no longer endure the injustice of a structure and culture of policing that is rooted a history of violence and racism.

Thank you for the opportunity to appear before you today.

ⁱ *Report of the Working Group of Experts on People of African Descent on its mission to Canada, Human Rights Council, Thirty-sixth session 11-29 September 2017, A/HRC/36/60/Add.1, at para. 55. Retrieved from: <https://undocs.org/A/HRC/36/60/Add.1>. See also, Committee on the Elimination of Racial Discrimination, *Concluding observations on the combined twenty-first to twenty-third periodic reports of Canada, CERD/C/CAN/CO/21-23* (13 September 2017).*

ⁱⁱ Morin, B., 2020. *As The RCMP Deny Systemic Racism, Here's The Real History*. [online] thestar.com. Available at: <<https://www.thestar.com/opinion/contributors/2020/06/11/rcmp-deputy-commissioners-words-on-racism-fly-in-face-of-150-years-of-history-and-pain-for-indigenous-peoples.html>> [Accessed 24 July 2020].

ⁱⁱⁱ "A Collective Impact: Interim Report in the Inquiry Into Racial Profiling And Racial Discrimination Of Black Persons By The Toronto Police Service". *Ontario Human Rights Commission*, 2020, <http://www.ohrc.on.ca/en/public-interest-inquiry-racial-profiling-and-discrimination-toronto-police-service/collective-impact-interim-report-inquiry-racial-profiling-and-racial-discrimination-black>. Accessed Nov 2018. See also, Singh, Inayat. "Deadly Force." *CBC news*, CBC/Radio Canada, July 23, 2020, Singh, Inayat. "Deadly Force." *CBC news*, CBC/Radio Canada, 2020, [newsinteractives.cbc.ca/fatalpoliceencounters/](https://www.cbc.ca/news/canada/toronto/fatal-police-encounters).

^{iv} *Supra* note 2.

^v De Darkar, Hijal. "Militarizing Police Does Not Serve Or Protect Canadian Citizens" *Huffingtonpost.ca*, January 22, 2017, https://www.huffingtonpost.ca/hijal-de-sarkar/militarizing-police-canada_b_9052280.html. Research shows that when militarized units are formed, they tend to grow, are deployed more often, and further contaminate police culture. Not only has this led to massive expansions in local police budgets in an age of austerity, it erodes the fundamental function of police departments: to serve and protect the community. See also, Nolan, Tom. "How Militarizing Police Sets Up Protesters As "The Enemy"". *Yes! Magazine*, 2020, <https://www.yesmagazine.org/social-justice/2020/06/05/protests-police-militarization/>. Accessed 3 June 2020. Although American, the author cited a study that revealed that article noted that: When a county goes from receiving no military equipment to \$2,539,767 worth (the largest figure that went to one agency in our data), more than twice as many civilians are likely to die in that county the following year."